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38/5. Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also the fact that all forms of discrimination on the basis of sex are contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated,

Reaffirming the importance of fully implementing General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", including the commitment of all States to achieve gender equality and empower all women and girls, and to eliminate all forms of violence against all women and girls in the public and private spheres,

Recalling the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, including the responsibility of business enterprises to respect human rights, bearing in mind the different risks faced by women and men,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives to eliminate violence against women and girls,

Reaffirming that the same rights that people have offline must also be protected online,

Taking note with appreciation of the report of the Special Rapporteur on violence against women, its causes and consequences, on online violence against women and girls,[1]

Taking note with appreciation also of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on the use of encryption and anonymity in digital communications,[2]

Taking note of the report of the United Nations Entity for Gender Equality and the Empowerment of Women on the activities of the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women,[3]

Recognizing that digital technologies can play an important role in empowering women and girls to exercise all human rights, including the right to freedom of opinion and expression, and in their full, equal and effective participation in political, economic, cultural and social life,

Expressing deep concern at the continued prevalence of violence against all women and girls in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, abuses or impairs their human rights and, as such, is completely unacceptable,

Stressing that "violence against women and girls" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including in digital contexts, and noting the economic and social harm caused by such violence,

Reiterating the need to intensify efforts at all levels and to engage with all stakeholders, including men and boys alongside women and girls as agents of change, to prevent and eliminate all forms of violence against women and girls in the public and private spheres, including the need to challenge gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence,

Recognizing that violations, abuses, discrimination and violence against women and girls in digital contexts, inter alia, harassment, stalking, bullying, threats of sexual and gender-based violence, death threats, arbitrary or unlawful surveillance and tracking, trafficking in persons, extortion, censorship and the hacking of digital accounts, mobile telephones and other electronic devices, with a view to discrediting women and girls and/or inciting other violations and abuses against them, are a growing concern and underline the need to address systemic gender-based discrimination through effective responses that are in accordance with human rights,

Recognizing also that violence against women and girls, including in digital contexts, is a global phenomenon rooted in historical and structural inequalities in power relations between women and men, which further reinforce gender stereotypes and barriers to women's and girls' full enjoyment of all human rights, and that all forms of violence against women and girls constitute a major impediment to their full, equal and effective participation in society, the economy, and political and individual decision-making, as well as in leadership roles, hindering them from the exercise and enjoyment of human rights and fundamental freedoms,

Recognizing further that violence against women and girls is a manifestation of gender inequality and discrimination against women and girls, and can impede their economic empowerment and impose direct and indirect short- and long-term costs on

[1] A/HRC/38/47.
[2] A/HRC/29/32.
[3] A/HRC/35/3–E/CN.6/2017/7.

individuals and society, including loss of livelihood and lack of access to digital financial services and the psychological and physical impact thereof, as well as additional expenses relating to health-care services, the legal sector, social welfare and specialized services,

Condemning the dissemination of content that promotes and reinforces violence against women and girls, which can result in the perpetual revictimization and retraumatization of women and girls, given that a permanent digital record is created by content shared in digital contexts,

Recognizing the particular risk of violence faced by all women and girls who suffer multiple and intersecting forms of discrimination, and stressing the urgent need to address all forms of violence and discrimination against them,

Strongly condemning all acts of violence against women and girls involved in political and public life, including women parliamentarians, political candidates, journalists and human rights defenders,

Expressing concern at the institutional and structural discrimination against women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures, services and practices that directly or indirectly restrict equal access to digital technologies, health-care services, education and employment, thus hindering their empowerment, increasing their vulnerability to violence and compounding the violence experienced,

Recognizing the need to ensure the integration of gender perspectives and to promote the early, full and effective participation of women and girls in the conceptualization, development and implementation of digital technologies and related policies, regulation and legislation in an effort to prevent and eliminate violence against women and girls in digital contexts,

Recognizing also the need to strengthen partnerships among all stakeholders to build the capacity of women to fully participate in and enjoy the benefits of the information society, including e-governance, where it exists and as it is developed, and participatory approaches,

Recognizing further that the multi-jurisdictional and transnational nature of violence against women and girls in digital contexts and the continual use and adaptation of digital technologies by perpetrators to avoid detection and investigation call for active cooperation among different actors, including States and their law enforcement and judicial authorities, and private actors with regard to detecting crimes, reporting them to competent authorities for investigation, safeguarding electronic evidence of crimes and handing the evidence over to those authorities in a timely manner,

1. *Expresses outrage* at the persistence and pervasiveness of all forms of violence against women and girls worldwide;

2. *Condemns in the strongest possible terms* all forms of violence against women and girls, including sexual and gender-based violence, perpetrated through the use of digital technologies;

3. *Expresses deep concern* that all forms of discrimination, intimidation, harassment and violence in digital contexts prevent women and girls from fully enjoying their human rights and fundamental freedoms, including the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and of association, and the right to privacy, in accordance with obligations under international law, which hinders their full, equal and effective participation in economic, social, cultural and political affairs and is an impediment to achieving gender equality and the empowerment of all women and girls;

4. *Recognizes* that the right of women and girls to the enjoyment of the highest attainable standard of physical and mental health includes having access to the information, education and means to exercise this right, both online and offline;

5. *Also recognizes* that digital technologies can offer access to information that enables women and girls to make informed and autonomous decisions in matters regarding their own bodies, lives and health, including their sexual and reproductive health and

reproductive rights, in accordance with the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences;

6. *Further recognizes* that encryption and anonymity may contribute to individuals' full enjoyment of human rights, including the right to freedom of opinion and expression and the right to privacy, in accordance with international law, and may empower individuals, including women and girls, to access information and ideas, to seek help, assistance and guidance and to freely explore and express ideas relating to their identity and human rights;

7. *Draws attention* to the fact that, in order to ensure the full participation of women and girls in the digital age, digital divides, which disproportionately affect women and girls living in rural or remote areas, need to be addressed by facilitating women's and girls' equal access to digital technologies, to science, technology, engineering and mathematics education and to a technological environment that is conducive to engagement by all women and girls, including through the use of assistive technologies, and promotes a safe and secure digital environment for women and girls, without discrimination or risk of violence and with particular focus on the needs of women and girls facing intersecting systemic inequalities;

8. *Stresses* that violence against women and girls may discourage them from using digital technologies, thereby depriving them of effective tools to fully enjoy their human rights, and could result in additional economic, social and psychological harm to them;

9. *Recognizes* that a proactive and reactive multipronged approach, working with all relevant parties, to eliminate violence against women and girls in digital contexts is required, including education and media campaigns, promoting a culture of respect and non-discrimination online and offline, and maintaining awareness of technological change in order to respond to new methods of violence against women and girls in digital contexts as they emerge;

10. *Calls upon* States to take immediate and effective action to prevent all forms of violence against women and girls, including in digital contexts, by:

(a) Developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes, including unequal power relations, and risk factors of violence against women and girls, and ensuring that laws and policies are harmonized to address widespread violence against women and girls and are in compliance with their international human rights obligations;

(b) Prioritizing the integration of gender perspectives, and ensuring the early, full and effective participation of women and girls in the development and implementation of national policies, legislation, programmes, projects, strategies and regulatory and technical instruments in the area of digital technologies and creating monitoring and accountability mechanisms to ensure implementation of gender-sensitive policies and regulations, as well as analysing the gender impact of such policies in consultation and collaboration with women digital technology specialists, civil society organizations and gender equality advocates;

(c) Supporting initiatives taken by, inter alia, relevant international and non-governmental organizations, business enterprises, faith and community groups, religious leaders, parliamentarians, journalists, national human rights institutions, human rights defenders, including women human rights defenders, and indigenous leaders and groups, as part of their efforts to develop targeted and accessible responses, programmes and policies, including by allocating adequate resources aimed at promoting gender equality and at preventing, responding to and protecting women and girls from violence in digital contexts;

(d) Encouraging digital technology companies, including Internet service providers and digital platforms, to strengthen or adopt positive measures, including internal policies, to promote gender equality in the design, implementation and use of digital technologies with a view to eliminating violence against women and girls, and to refrain from presenting women and girls as inferior beings and exploiting them as sexual objects

and commodities, thereby empowering women and girls as key actors and contributors to and beneficiaries of sustainable development;

(e) Promoting, supporting and facilitating the full, equal and meaningful participation of women and girls in digital technology conceptualization, development and implementation so that they can fully, safely and actively participate in decision-making, policies and institutions at all levels;

(f) Developing and implementing educational programmes and teaching materials, including comprehensive sexuality education, based on full and accurate information, for all adolescents and youth, in a manner consistent with their evolving capacities, with their meaningful participation, with appropriate direction and guidance from parents and legal guardians, and with the active involvement of all relevant stakeholders, in order to empower them to safely use and navigate digital technologies, to modify the social and cultural patterns of conduct of men and women of all ages, to eliminate prejudices and to promote and build decision-making, communication and risk reduction skills for the development of respectful relationships based on gender equality and human rights, as well as teacher education and training programmes for both formal and non-formal education;

(g) Ensuring that women and girls are able to exercise the right to freedom of opinion and expression online and offline without discrimination, and do not experience violence or threats of violence while exercising this right;

(h) Enacting and enforcing the necessary legislative or other measures, in cooperation with relevant stakeholders, including the private sector and civil society organizations, to prevent and eliminate violence against women and girls in digital contexts;

(i) Mainstreaming a gender perspective into their criminal justice systems and into efforts to prevent and combat crime, including digital technology-mediated and transnational organized crime, including by developing and implementing national criminal justice legislation, policies and programmes that take into account the important role and specific needs of women and girls and by promoting gender-specific measures in crime prevention and protection policies;

11. *Also calls upon* States to take immediate and effective action to respond to all forms of violence against women and girls, including in digital contexts, and to protect all victims and survivors by:

(a) Holding perpetrators to account and combating impunity for all forms of violence, including violence used to intimidate women and girls who are exercising the right to freedom of opinion and expression;

(b) Ensuring that legislation allows for the timely and effective investigation, prosecution, sanction and redress of violence against women and girls in digital contexts;

(c) Publicly condemning all forms of violence against women and girls through media and information campaigns and providing women and girls with effective remedies for violence that takes place in digital contexts, including remedies that protect their privacy and avoid their secondary victimization;

(d) Ensuring the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks, and strengthening health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible and available, including in digital contexts, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted

by national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and recognizing that human rights include the right to have control over and to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

(e) Removing gender bias from the administration of justice and enhancing the capacity and capability of law enforcement officials to address violence against women and girls, including by providing systematic gender-sensitivity and awareness training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating a gender perspective into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(f) Ensuring that all actors involved in or attempting to commit violence against women and girls are held accountable and brought to justice, taking into account the multi-jurisdictional and transnational nature of violence against women and girls in digital contexts;

(g) Encouraging business enterprises, in the effective implementation of the Guiding Principles on Business and Human Rights, to protect the private data of women and girls, to create transparent and effective processes for reporting violence and to develop policies that meaningfully protect women and girls from violence in digital contexts;

(h) Encouraging and ensuring the participation of women and girls in the development and implementation of policies, programmes and other initiatives aimed at eliminating violence against women and girls in digital contexts;

(i) Establishing a system to regularly collect, analyse and publish statistical data disaggregated by sex, age and disability status on complaints about all forms of gender-based violence against women and girls;

12. *Encourages* States and, as appropriate, the relevant funds and programmes, organizations and specialized agencies of the United Nations system, international financial institutions, civil society organizations, the private sector and other stakeholders:

(a) To collect, share, positively recognize and widely publicize good practices to counter gender stereotyping, negative portrayals and the exploitation of women and girls in all forms of media and digital technologies as part of their efforts to eliminate violence and discrimination against women and girls;

(b) To enhance, for the benefit of women and girls, international cooperation in support of national efforts to create an enabling environment to reduce the digital and information divides between developed and developing countries, and to promote, develop and enhance access to digital technologies;

13. *Welcomes* the panel discussion on violence against women and girls, held during the annual full-day discussion on women's human rights at the thirty-eighth session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the discussion to the Council at its fortieth session;

14. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences as a matter of high priority, in conformity with its annual programme of work.

37th meeting
5 July 2018

[Adopted without a vote.]